

Rule 805. Hearsay Within Hearsay.

Hearsay within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

Comment to 2012 Amendment

The language of Rule 805 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

Cases

805.010 Multiple hearsay is admissible if each part is admissible under a hearsay exception.

State v. Smith, 215 Ariz. 221, 159 P.3d 531, ¶ 28 (2007) (because detective's report was admissible as recorded recollection, and because statements of medical examiner contained in report were admissible as present sense impressions, report satisfied hearsay requirements).

Diaz v. Magma Copper Co., 190 Ariz. 544, 950 P.2d 1165 (Ct. App. 1997) (although statement attributed to mine manager would have been admissible under Rule 801(d)(2)(D), there was no evidence of who heard mine manager make the statement, thus second level of hearsay failed).

805.020 Multiple hearsay is not admissible if either part fails to satisfy a hearsay exception.

Diaz v. Magma Copper Co., 190 Ariz. 544, 950 P.2d 1165 (Ct. App. 1997) (although statement attributed to mine manager would have been admissible under Rule 801(d)(2)(D), there was no evidence of who heard mine manager make the statement, thus second level of hearsay failed).

State v. Doody, 187 Ariz. 363, 930 P.2d 440 (Ct. App. 1996) (first level of hearsay did not qualify under Rule 804(b)(3), and second level did not qualify under Rule 804(b)(5), thus trial court did not err in precluding this evidence).

April 10, 2013

ARIZONA EVIDENCE REPORTER